

IN THE CIRCUIT UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|---------------------------|---|----------------------|
| MALCOLM HERRING, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 2:07-cv-823 |
| |) | |
| STATE FARM MUTUAL |) | |
| AUTOMOBILE INSURANCE |) | |
| COMPANY, d/b/a STATE FARM |) | |
| INSURANCE COMPANIES, |) | |
| |) | |
| Defendants. |) | |

REPORT OF PARTIES' PLANNING MEETING

1. The following persons finalized the Rule 26(f) conference on March 21, 2008:

- M. Wayne Sabel for Plaintiff Malcolm Herring
- Angela Taylor Baker for Defendant State Farm Mutual Automobile Insurance Company

2. Initial Disclosures: The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) within 14 days of this meeting.

3. Discovery Plan. The parties propose this discovery plan:

- (a) The parties will need to take various depositions and engage in paper discovery.
- (b) Discovery may commence immediately after the service of the Initial Disclosures by the parties. All discovery must be

commenced in time to be completed by:

Defendant's proposed deadline: *October 1, 2008*

Plaintiff's proposed deadline: *November 1, 2008*

- (c) Maximum of forty (40) Interrogatories and forty (40) Request for Production by each party to any other party. Responses due thirty (30) days after service.
- (d) Maximum of twenty (20) Requests for Admission by each party to any other party. Responses are due thirty (30) days after service.
- (e) Maximum of eight (8) depositions by Plaintiff and eight (8) by Defendant.
- (f) Each deposition will be limited to a maximum of seven (7) hours unless extended by agreement of parties.
- (g) Reports for retained experts under Rule 26(a)(2) are due:
 - from Plaintiff by August 1, 2008
 - from Defendant by September 1, 2008.
- (h) Each party shall serve supplements under Rule 26(e) at appropriate intervals.

4. Other Items:

- (a) The parties do not request a scheduling conference before the entry of the scheduling order.
- (b) The parties request a pretrial conference in February, 2009.
- (c) Plaintiff should be allowed until April 25, 2008 to join additional

parties and to amend the pleadings.

(d) Defendant should be allowed until May 28, 2008, to join additional parties and to amend the pleadings.

(e) All potentially dispositive motions should be filed by:

Defendant's proposed deadline: November 21, 2008

Plaintiff's proposed deadline: October 1, 2008

(f) Settlement cannot be evaluated prior to the conclusion of discovery.

(g) The parties agree it is too soon to determine what, if any, Alternative Dispute Resolution Procedure that may enhance settlement prospects.

(h) Final lists of witnesses and exhibits are due to be exchanged between the parties on or before January 16, 2009.

(i) All objections under Rule 26(a)(3) are due on or before January 30, 2009.

(j) The parties request a trial date in April 2009. (The 2009 Civil Trial Term schedule for Judge Fuller is not yet available online.) At this time it is expected that the trial will take approximately three (3) days, excluding jury selection.

Respectfully submitted this the 21th day of March, 2008.

/s/ Micheal S. Jackson

MICHEAL S. JACKSON [JACKM8173]

MICHAEL B. BEERS [BEERM4992]

ANGELA C. TAYLOR [TAYLA2713]

Attorneys for Defendant State Farm Mutual
Automobile Insurance Company

BEERS, ANDERSON, JACKSON,
PATTY, & FAWAL, P.C.

P. O. Box 1988

Montgomery, Alabama 36102-1988

(334) 834-5311 / (334) 834-5362 fax

/s/ M. Wayne Sable by consent

M. WAYNE SABLE [SABLM]

Attorney for Plaintiff Malcolm Herring

Sabel & Sabel, P.C.

Hillwood Office Center

2800 Zelda Road, Suite 100-5

Montgomery, Alabama 36106